

ENTERED

AUG 11 1995

ORDER BOOK

137 PAGE 51

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

JIMMY R. SHAW, et al.,

Plaintiffs,

v.

Civil Action No. 81-1008

DONALD L. HICKS, et al.,

Defendants.

ORDER

This matter is before the Court via Mr. W. Joseph McCoy's invoice for payment of expenses incurred as a result of conducting Court ordered inspections of the McDowell County Correctional Center during the period September 1994 through July 1995.¹

Previously, this Court, through written Order entered October 22, 1993, directed the following:

It is further ORDERED that Mr. W. Joseph McCoy is appointed as monitor in accordance with provision number six (6). Mr. McCoy is to make monthly inspections of the McDowell County Jail. If at any time Mr. McCoy believes more frequent inspections are needed, he is to make such request to this Court. In addition, Mr. McCoy is to submit all fee requests to this Court for approval. This Court will in turn submit such requests to the Commission for prompt payment.

This Court's October 1993 Order further provided that upon submission by McCoy of a reasonable bill for his services in this endeavor, payment would be made in full by the Defendants in the above-entitled matter.

On July 31, 1995, Mr. McCoy submitted to this Court an invoice

¹ As stated in Mr. McCoy's invoice, no inspection was conducted in February 1995.

for expenses incurred while acting as the Court's Monitor of the McDowell County Jail. After reviewing Mr. McCoy's invoice and finding it reasonable, this Court hereby APPROVES the same and ORDERS Defendants to provide payment in full within fourteen (14) days of the entry of this Order. The Defendants are further directed to make said payment in accordance with the instructions contained in Mr. McCoy's letter/invoice, a copy of which is attached to this Order.


Additionally, Mr. McCoy has submitted an invoice for payment of telephone expenses incurred at his office at Marshall University. After reviewing this invoice and finding it reasonable, the Court hereby APPROVES the same and ORDERS Defendants to provide payment in the same manner described above and in accordance with the instructions contained in the invoice, a copy of which is attached to this Order.

Monetary sanctions *shall* be imposed for failure to make full payment.

The Clerk is directed to send a copy of this Order, along with a copy of Mr. McCoy's letters/invoices, to all counsel of record.

IT IS SO ORDERED this 11th day of August, 1995.

ENTER:


ELIZABETH V. HALLANAN
United States District Judge

RECEIVED

JUL 31 1995

ELIZABETH V. HALLANAN
U.S. DISTRICT JUDGE

July 28, 1995

The Honorable Elizabeth V. Hallanan
United States District Court
Post Office Drawer 5009
Beckley, West Virginia 25801

Re. Shaw v. Hicks
CA. No. 81-1008

Dear Judge Hallanan,

In accordance with the direction of the Court inspections of the McDowell County Correctional Center were conducted each month during the period September 1994 through July 1995, except that no inspection was conducted during the month of February 1995.

This letter will serve as an invoice for the aforementioned services and is submitted in accordance with the Court's Order of October 21, 1993, that reads at pages 2 and 3, in part:

...Mr. McCoy is to submit all fee requests to this Court for approval. The Court will in turn submit such requests to the Commission for prompt payment.

It is requested that payment for the following professional services and expenses be provided.

1.) Wages. For professional services including jail inspections, on-sight conferences and consultations with officials in Beaufort County South Carolina as requested by the McDowell County Commission.

September (inspection one day).....	\$200.00
October (inspection one day).....	200.00
November (inspection one day).....	200.00
December (inspection and Beaufort visit three days)...	400.00
January (inspection one day).....	200.00
February (no inspection).....	N/A
March (inspection two days).....	400.00
April (inspection one day).....	200.00
May (inspection one day).....	200.00
June (inspection one day).....	200.00
July (inspection, status conference two days).....	400.00

2.) Wages. For provision of other professional services, including: conduct of research, garnering and analysis of information, consultations, rendering of professional advice, drafting of correspondence and consolidated inspection and other reports, review and editing of jail directives, telephone discussions with jail administrator, county officials and others.....

Wages Sub total.....\$3200.00

The Honorable Elizabeth V. Hallanan
 July 28, 1995
 Page 2

3.) Expense. Travel via personal vehicle to Welch, WV from Queens, WV and return, September, October, November (214 miles X 2 = 428 miles X .275 = \$117.70 X 3) =.....\$353.10

Expense. Tolls (.25 X 6) =.....1.50

Expense. Travel via personal vehicle to Sophia, WV from Huntington, WV, December (112 miles X .275) =.....30.80

Expense. Tolls (\$1.25 X 2) =.....2.50

Expense. Travel via personal vehicle to Huntington, WV from Welch, WV January (155 miles X .275) =.....42.63

Expense. Tolls (\$1.25 X 2) =2.50

Expense. Travel via personal vehicle to Welch, WV from Huntington, WV and return March, April, May and June (155 X 2 = 310 miles X .275 = \$85.25 X 4) =.....341.00

Expense. Tolls (\$1.25 X 4 = \$5.00 X 4) =.....20.00

Expense. Travel via personal vehicle to Beckley, WV from Huntington, WV and return, June, (109 miles X 2 = 218 miles X .275) =.....59.95

Expense. Tolls (\$1.25 X 4) =.....5.00

Expense. Travel via personal vehicle to Welch, WV from Huntington, WV and return (155 miles X 2 = 310 miles X .275) =.....85.25

Expense. Tolls (\$1.25 X 4) =.....5.00

Expense. Lodging. December 29-30 Beaufort, SC.....96.30

Expense. Lodging. December 31, Welch, WV.....31.80

Expense. Lodging. March 16-17, Welch, WV.....53.00

Expense. Lodging. April 29, Welch, WV.....31.80

Expense. Lodging. June 1, Welch, WV.....31.80

Expense. Meals. 13 days @ \$15.00 a day.....195.00

Expense. Telephone. Long distance calls made from residence numbers ((304) 472-7042 and 523-6108).....114.46

The Honorable Elizabeth V. Hallanan
July 28, 1995
Page 3

Expense. Postage.....14.41
Expenses Sub Total.....\$1517.80
Grand Total.....\$4717.80

**It is requested that payment be mailed to my home address at
713 Jefferson Avenue, Huntington, West Virginia 25704.**

**For federal and state tax reporting, my social security number
266-44-8343 is provided**

Very truly yours,


W. Joseph McCoy

July 28, 1995

RECEIVED

JUL 31 1995

ELIZABETH V. HALLANAN
U.S. DISTRICT JUDGE

The Honorable Elizabeth V. Hallanan
United States District Court
Post Office Drawer 5009
Beckley, West Virginia 25801

Re. Shaw v. Hicks
CA. No. 81-1008

Dear Judge Hallanan,

This will constitute an invoice for payment of expenses incurred for use of the telephone service available at my office at Marshall University (304) 696-6627 in connection with duties performed as the Court's Monitor for the McDowell County Correctional Center through the period January 12, 1995 to June 30, 1995.

Attachment (1) provides an enumeration of the dates, durations and charges for the telephone calls made during this period.

This request is submitted pursuant to the Court's several Orders and more specifically that of October 21, 1993, which reads, in part, at pages 2 and 3:

...Mr. McCoy is to submit all fee requests to this Court for approval. This Court will in turn submit such requests to the Commission for prompt payment."

It is requested that a check for payment in the amount of \$70.31 be marked, "for reimbursement of telephone costs incurred by the Federal Monitor 01/12/95 through 06/30/95," be sent directly to the following person:

Dr. Troy M. Stewart, Chairman
Department of Political Science
Marshall University
Huntington, West Virginia 25701

Very truly yours,


W. Joseph McCoy

One Attachment

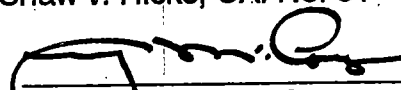
The Honorable Elizabeth V. Hallanan
 Office Telephone Invoice July 28, 1995
 Attachment (1)

Worksheet, McDowell Jail Telephone Calls from Office
 (304)696-2761

Date	Charge	Date	Charge
Jan 12, 95	\$1.30	Mar 13, 95	\$0.30
Jan 23, 95	\$0.49	Mar 14, 95	\$0.54
Jan 23, 95	\$0.49	Mar 14, 95	\$0.54
Jan 23, 95	\$2.65	Mar 14, 95	\$0.54
Jan 31, 95	\$4.76	Mar 15, 95	\$3.82
Feb 1, 95	\$0.30	Mar 21, 95	\$1.47
Feb 1, 95	\$0.20	Mar 22, 95	\$0.54
Feb 2, 95	\$3.12	Mar 22, 95	\$5.93
Feb 6, 95	\$0.77	Mar 27, 95	\$2.06
Feb 6, 95	\$0.34	Mar 27, 95	\$0.80
Feb 7, 95	\$1.75	Mar 27, 95	\$0.30
Feb 7, 95	\$1.47	Apr 3, 95	\$0.77
Feb 10, 95	\$0.34	Apr 6, 95	\$0.71
Feb 10, 95	\$12.50	Apr 17, 95	\$1.55
Feb 23, 95	\$4.29	Apr 18, 95	\$1.71
Feb 28, 95	\$2.18	May 1, 95	\$0.34
Feb 28, 95	\$4.90	Jun 28, 95	\$0.72
Mar 3, 95	\$1.30	Jun 30, 95	\$4.52
Sub total	\$43.15	Sub total	\$27.16

Grand Total \$70.31

It is hereby certified that the charges indicated above are correct
 and were made in connection with official duties as the Federal
 Court's Monitor in the case styled, Shaw v. Hicks, CA. No. 81-1008.


 W. Joseph McCoy